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President: Mr. DANGUE REWAKA (Gabon)
(Vice-President)

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In the absence of Mr. Butler (Australia), Mr. Dangue Rewaka (Gabon, Vice-President, took the Chair

The meeting was called to order at 10.30 a.m.

AGENDA ITEM 5: SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS

(b) IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (E/1994/78, E/1994/97)

(c) IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (A/49/216, A/49/263-E/1994/112; E/1994/114, E/1994/96)

(d) HUMAN RIGHTS QUESTIONS (A/49/41, A/49/261-E/1994/110, A/49/264-E/1994/113, A/49/270-E/1994/116; E/1994/5, E/1994/23, E/1994/24, E/1994/63, E/1994/76 and Add.1, E/1994/106, E/1994/107; E/1994/107; E/1994/L.13, L.15, L.26; E/1994/NGO/6)

Mr. REMIREZ de ESTENOZ (Cuba), Acting Chairman of the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, referring to the report of the President of the Council on consultations held with the Chairman of the Special Committee said that, although the remaining Territories on the list to which the Declaration applied were small island Territories with small populations and limited resources, the General Assembly had reiterated in numerous resolutions that those factors should in no way prevent the peoples of those Territories from exercising their inalienable right to self-determination and independence, in conformity with the Charter and the Declaration. While the Special Committee continued to adhere firmly to those principles, it realized that accelerated economic and social development could only contribute to the speedy implementation of the relevant resolutions of the General Assembly. It therefore attached great importance to the contributions which the specialized agencies and other institutions of the United Nations system could make to the economic and social advancement of the peoples of Trust and Non-Self-Governing Territories. He noted that substantial funds had been earmarked by the United Nations Development Programme in its fifth cycle for projects in several small island Territories of the Caribbean and Pacific and that United Nations specialized agencies and other organizations had provided assistance for reconstruction in those Territories in those two regions which had been struck by hurricanes.

The United Nations and its specialized agencies had an important role to play in the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, which had been adopted at the Global Conference held in Barbados earlier in 1994, and in supplementing national efforts. The Special Committee hoped that due consideration would be given to the needs of the Trust and Non-Self-Governing Territories in the

(Mr. Remirez de Estenoz, Cuba)

implementation of the Programme of Action. The recent seminars organized by the Special Committee had the representatives of Non-Self-Governing Territories to present their views on the various problems affecting their economies and the action which could be taken to resolve them. One of their main requests was for greater opportunity to participate in the work of the specialized agencies and international institutions associated with the United Nations. Some progress had already been made in that area and the Special Committee hoped that more agencies would grand their requests. Other requests were that international organizations should assist Non-Self-Governing Territories in upgrading their indigenous technological infrastructures and in promoting successful local technologies; that international and regional organizations should assist in developing a regional programme of cooperation in the management of regional economic zones aimed, inter alia, at protecting marine resources from illegal exploitation; that the United Nations, in cooperation with the administering Powers, should place greater emphasis on methods of teaching self-sufficiency; that international institutions should assist in the preparation of development programmes; that the United Nations Development Programme, the United Nations Environment Programme and the World Bank should make available appropriate resources and expertise to the Non-Self-Governing Territories to enable them to participate in regional organizations; that information programmes should be launched to educate both the local population and tourists about the need to safeguard the environment of the Territories; and that Non-Self-Governing Territories should participate fully in regional conventions and programmes relating to their environment and future livelihood. The Special Committee hoped that the appropriate agencies and institutions would carefully study those requests and would contribute generously to the solution of the problems raised. Coordinated assistance programmes tailored to meet the specific needs of the Territories, particularly with respect to the diversification of their economies, would reduce their dependency on external factors and create optimum conditions for the free exercise of their right to self-determination.

He hoped hat the draft resolution which would be proposed at the end of the general debate on the current item and which called for concrete action on the part of the specialized agencies and other institutions associated with the United Nations would receive the widest possible endorsement by the Council, thereby sending a message of hope to the peoples of the Territories concerned.

The PRESIDENT proposed that the Council should defer further consideration of the report until the following week.

It was so decided.

Mr. GHAREKHAN (Special Political Adviser to the Secretary-General), introducing the report of the Secretary-General on assistance to the Palestinian people (A/49/263-E/1994/112), said that the report detailed the steps taken so far by the Secretary-General to ensure the coordinated work of the United Nations system for an adequate response to the needs of the Palestinian people. By appointing a Special Coordinator in the Occupied Territories and convening an inter-agency meeting of United Nations programmes, the Secretary-General had laid the groundwork for and effectively coordinated programme of United Nations assistance to the Palestinian people. The United Nations agencies present in the occupied territories were actively preparing to contribute to that programme.

There had not been enough time for the Secretary-General to prepare a meaningful response to the General Assembly's request contained in resolution 48/213 that he should submit an assessment of the assistance actually received by the Palestinian people, of the needs that were still unmet and specific proposals for responding effectively to them. That assessment would be provided in an addendum to the current report, to be submitted in time for the forty-ninth session of the General Assembly.

The PRESIDENT said he took it that the Council wished to take note of the reports contained in documents A/49/216, and A/49/263-E/1994/112).

It was so decided.

Mr. FALL (Assistant Secretary-General for Human Rights) said that the first session of the Commission on Human Rights following the World Conference on Human Rights held at Vienna from 14 to 25 June 1993 had been of exceptional importance, as reflected in the high level of participation, the adoption of 109 resolutions and decisions and the appointment of a number of special rapporteurs. At its current session, the Economic and Social Council would be called upon to take action on four draft resolutions and 37 draft decisions which the Commission on Human Rights recommended for adoption.

At its previous session, the Commission on Human Rights had decided to create three new open-ended inter-sessional working groups. Two of the new working groups would be responsible for preparing two draft optional protocols, the first on the participation of children in armed conflicts and the second on the sale of children, the prostitution of children and pornography involving children. The third working group would consider the reform of the Commission on Human Rights and the rationalization of its work.

Of the four new special rapporteurs appointed, two had been given thematic mandates, namely, violence against women and the independence of the judiciary. The two others would be responsible for monitoring the human rights situation in Zaire and in the island of Bougainville in Papua New Guinea, respectively.

(Mr. Fall)

The Commission on Human Rights had also requested the Secretary-General to prepare a number of thematic reports on the mass exoduses cooperation with the representatives of the United nations agencies concerned with human rights, human rights and forensic science, human rights and thematic procedures, and lastly religious intolerance. The Commission had also requested ten additional reports on the human rights situation in various countries and had adopted several resolutions in which it had requested the Secretary-General to provide technical assistance and advisory services to Governments with a view to strengthening democracy and establishing or reinforcing national structures for the promotion and protection of human rights.

The fiftieth session of the Commission had placed special emphasis on economic, social and cultural rights. The working group on the right to development had had broad consultations with the presiding officers of the various United Nations bodies concerned with human rights and with the executive secretaries of the regional commissions with the aim of creating greater awareness of development issues.

At the suggestion of the High Commissioner for Human Rights, the Commission on Human Rights had held a special session to consider the situation in Rwanda and had later appointed a special rapporteur to investigate at first hand the human rights situation in Rwanda and submit a preliminary report to the Commission as early as possible. The special Rapporteur was also requested to compile information on violations of human rights, breaches of international humanitarian law and crimes against humanity, including acts of genocide, in Rwanda, and to make all such information available to the Secretary-General. In his preliminary report, the Special Rapporteur had devoted special attention to the massacres, their extent in space and time, the systematic planning that had been involved and the atrocities committed, as well as the insecurity prevailing in Rwanda. He had qualified the massacres of Tutsis in the areas controlled by Government forces as genocide and had identified the causes of human rights violations as the refusal to accept democratic changes in government, incitement to ethnic hatred and violence, and impunity for crimes committed. He had concluded his report by recommending a variety of immediate, short- and medium-term measures.

In light of those conclusions, the High Commissioner for Human Rights had taken steps to enhance the effectiveness of the Special Rapporteur's actions in the field. In addition to the two human rights experts who had already been sent to the area to prepare a conceptual framework for the first-hand

(Mr. Fall)

investigations, appropriate mechanisms had been established to facilitate the task of the Special Rapporteur during his first visit to the region. An operational base had been provisionally set up at Nairobi pending the opening of additional offices at Kigali and at other locations in Rwanda.

The Human Rights Committee had continued its consideration of the reports submitted by States Parties. He regretted the considerable delay in the submission of reports and appealed to States to respect their international commitments in that regard. The Committee had also adopted two decisions inviting the Governments of Angola and Burundi, which were facing emergency situations in their respective countries, to submit special reports for its consideration.

The Committee had also pursued its standard-setting activities by adopting two general comments on articles 18 and 27 of the International Covenant on Civil and Political Rights, which introduced clarifications of the right to freedom of thought, conscience and religion, and the rights of persons belonging to minorities, areas in which the work of codification was still ongoing.

In addition, the Committee had adopted a number of decisions and comments on the first Optional Protocol to the Covenant on Civil and Political Rights. Although those decisions were non-binding, they were beginning to influence the jurisprudence of the highest judicial bodies of several States, a development which he welcomed.

For its part, the Committee on Economic, Social and Cultural Rights at its ninth and tenth sessions had considered 16 reports submitted by 12 States Parties to the International Covenant on Economic, Social and Cultural Rights. It had also considered the implementation of that Covenant by two countries which had never submitted reports since their ratification of the Covenant.

Turning to questions concerning the Committee on the Rights of the Child, he noted that 162 States had so far ratified the Convention on the Rights of the Child, thus making it the international human rights instrument which had attracted the widest international support. He was therefore hopeful that the objective of the ratification of the Convention by all States by the year 1995 might be attained as a testament to the determination of the international community to ensure the promotion and protection of the rights of children.

During the period covered by its report, the Committee on the Rights of the Child had continued consideration of its working methods and ways to ensure effective coordination with other bodies in its field and to promote the dissemination of information on the Convention. At its fifth session, the Committee had adopted a number of recommendations as follow-up initiatives to improve the system for protecting children in situations of economic

(Mr. Fall)

exploitation. The informal regional meetings held by the Committee had afforded it an opportunity to become better acquainted with the real situation of children in various parts of the world.

At its fiftieth session, the Commission on Human Rights had considered the question of the Third Decade to Combat Racism and Racial Discrimination. Although apartheid had been brought to an end, racism, xenophobia and anti-Semitism were assuming alarming proportions in various countries. Some States, owing to increased xenophobic and racist sentiments, had adopted drastic laws against foreigners and asylum seekers. In its resolution 1994/64, on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Commission requested the Special Rapporteur to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance as well as governmental measures to overcome them. Lastly, he stressed the essential role played by the Economic and Social Council in the promotion and protection of all human rights.

Mr. RUDOLPH (Germany), speaking on behalf of the European Union, said that he was very impressed by the statement which the High Commissioner for Human Rights had made in the Council at an earlier meeting and agreed with the emphasis on dialogue with Governments, system-wide coordination of human rights monitoring, the response to acute human-rights violations and prevention of such violations. In that regard, the Centre for Human Rights should be enhanced and the possibility of integrating human rights components into efforts to resolve conflicts should be further explored. Since the Vienna Declaration and Programme of Action underlined the importance of strengthening the system of human rights mechanisms, the European Union fully supported the work of the four new special rapporteurs. The Union was resolutely opposed to any cut-backs affecting existing human rights mechanisms or interfere with the independent performance of their mandates. Continued efforts were needed to increase coordination and utilize the expertise of human rights mechanisms in ways best suited to the challenges facing them.

The Governments concerned must facilitate visits by special rapporteurs and give them unimpeded access to all information necessary for the fulfillment of their mandates. No country was exempt from monitoring, and the Governments of Iraq, Iran, the Sudan and Cuba should cooperate with all the relevant mechanisms. The European Union fully endorsed the recent statement of support made in Geneva for the Special Rapporteur on the situation of human rights in the Sudan, who, as a result of his report to the fiftieth session of

(Mr. Rudolph, Germany)

the Commission on Human Rights, had been subjected to personal attacks by a representative of that country.

Recommendations by special rapporteurs, special representatives, independent experts and working groups were of great importance to the Commission's monitoring role and the practical work of the High Commissioner and the Centre for Human Rights. The implementation of recommendation made by the various mechanisms should become a priority matter for consideration at each session of the Commission. In that connection, he drew attention to the situation of Daw Aung San Suu Kyi, the Nobel Peace Prize laureate, and the statement by the European Union on the fifth anniversary of her detention under house arrest in Myanmar (A/49/270-E/1994/116).

The report of the Special Rapporteur on the situation of human rights in Rwanda highlighted the need to call upon all parties in Rwanda to put an end to human rights violations being committed by forces under their control and resume the political reconciliation process based on the 1993 Arusha Peace Agreement. In that regard, he welcomed Security Council resolution 935 (1994), which called for the establishment of a commission of experts to examine breaches of humanitarian law in Rwanda, including acts of genocide. The European Union had expressed its concern at the very serious situations in Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, the Sudan, Haiti, Zaire, Iraq and Iran. It was regrettable that the continued bad human rights situations in those countries made it necessary to extend the mandates of the special rapporteurs.

Promotion of the right to development was one of the greatest challenges facing the international community. The Working Group on the Right to Development should be guided by the Vienna Declaration and Programme of Action. Development policies should focus on sustainable human development and fully integrate the environmental and social dimensions. Democracy and the enjoyment of human rights were essential to lasting development. Real progress in implementing the right to development depended on the willingness of Governments to ratify the two International Covenants on Human Rights and carry out their obligations in that regard. The Working Group on the Right to Development should continue its efforts to involve relevant agencies and institutions in its deliberations; and the Centre for Human Rights should sponsor joint studies with the regional institutions and non-governmental organizations concerning the interrelationship between development, democracy and human rights.

He noted with great disappointment that the budgets of both the High Commissioner and the Centre for Human Rights were completely incommensurate

(Mr. Rudolph, Germany)

with the mounting tasks entrusted to them. The current level of the human rights budgets was totally inappropriate. The European Union was determined to continue its efforts to provide adequate financing for human rights activities.

At the same time, the European Union did not accept the argument that the financing of human rights activities might divert resources from development programmes. Human rights activities were a part of, not an alternative to, development activities. Furthermore, it was incomprehensible how the activities of the Centre for Human Rights and the High Commissioner, which represented far less than 2 per cent of the regular budget of the United Nations could possibly be detrimental to any development activity.

Mr. LI Zhaoxing (China) said that the Commission on Human Rights had made certain positive efforts at its fiftieth session to implement the Vienna Declaration. The Commission had opposed the practice by which a number of countries used coercive measures to put political, economic and social pressure on developing countries and had reaffirmed the right to development as a universal and inalienable right. Nevertheless, it was regrettable that some features of the cold war, such as group confrontation, double standards and the politicization of human rights, continued to exist.

During the fiftieth session, some countries, acting as defenders of human rights, had wilfully accused and attacked developing countries and had frequently used resolutions to put political pressure on them. That practice ran counter to the spirit of mutual respect and cooperation in the field of human rights and to the Vienna Declaration. Furthermore, some countries overemphasized the universality of human rights, while neglecting special conditions in various regions and countries and ignoring one category of rights under the pretext of promoting another. That one-sided interpretation of the Declaration did not serve the cause of human rights or fundamental freedoms.

Observance of the purposes and principles of the Charter of the United Nations and comprehensive implementation of the Vienna Declaration should guide the future activities of the Commission on Human Rights. Accordingly, his delegation favoured the establishment of an open-ended working group to study the reform of the Commission to ensure that it adapted to needs of the changed world situation. What was needed was a through overhaul of the Commission to eliminate such practices as the politicization of human rights and the use of double standards and help foster dialogue and understanding among all countries. The Commission should be streamlined to reduce duplication, increase coordination and cut expenditures. Its composition should be in accordance with the principle of equitable geographical

(Mr. Li Zhaoxing, China)

distribution and its agenda should ensure a balanced approach to the various rights and full consideration of items of interest to developing countries. Lastly, such a working group should function on the basis of consensus in order to reflect fully the opinions of all parties concerned.

Mr. GORELIK (Russian Federation) said that his delegation attached considerable importance to the work of the Commission on Human Rights since the protection of human rights was an important element in maintaining international peace and security. There was a need to step up the work of the special rapporteurs and promote greater objectivity by ensuring their right to visit countries unimpeded in order to study human rights situations on the spot. The Russian Federation supported the idea of determining personal responsibility for serious violations of international humanitarian law in the territory of the former Yugoslavia. It had supported the establishment of the International Tribunal in that regard and considered it necessary to set up a similar tribunal for Rwanda. The Commission on Human Rights had sent a serious signal to the parties to the conflict in Rwanda about its readiness to take effective measures to halt the massive violations of human rights. That warning remained fully in effect and should be reinforced by the readiness of the international community to bring to justice those responsible for the tragedy.

Effective use should be made of the potential of the post of High Commissioner for Human Rights. His work should be expanded in countries where human rights were being violated and his cooperation with States and United Nations international agencies should be increased. The High Commissioner could also play an active role with regard to the territory of the former Soviet Union. His delegation attached particular importance to ensuring the rights of ethnic Russians in the newly independent States there. Increased discrimination in a number of those countries against permanent residents who maintained close ties with their ethnic homeland, Russia, caused legitimate concern. The Russian Federation was taking, within the bounds of the law, the necessary measures to protect and support those persons. The international community in turn should adopt a clearer position on the situation of the hundreds of thousands of ethnic Russians who were permanent residents of Estonia and Latvia, where the "civilized expulsion" of persons who were not part of the indigenous population was being pursued through legislative provisions and the creation of a certain psychological climate by the mass media. Ethnic Russians continued to be discriminated against on the basis of their ethnic identity.

It was a matter of concern that Estonia and Latvia were adopting laws that ignored existing realities and the opinion of international institutes

(Mr. Gorelik, Russian Federation)

and experts. Declaring a third of the population of Estonia aliens or stateless persons and the proposed granting of citizenship to only a fourth of the approximately 800,000 non-nationals in Latvia were serious factors for instability in the region. The Russian Federation, which was sincerely concerned about the fate of democracy in both Estonia and Latvia as well as in Russia itself, would continue to strive to ensure observance of the human rights of ethnic Russians in those countries. The struggle for democracy included measures to combat racism, racial discrimination and other manifestations of intolerance, particularly aggressive nationalism. The consistent pursuit of that effort on a basis agreed upon within the United Nations was one of Russia's priorities.

Mrs. KABA (Observer for Côte d'Ivoire) asked the Assistant Secretary-General for Human Rights what measures were contemplated in order to avoid duplication of efforts by thematic special rapporteurs, special rapporteurs and representatives. She wondered whether consideration was given to how countries might react when they were the focus of a number of investigations at the same time. As the dates of the 1995 sessions of the Commission on Human Rights and the Commission on the Status of Women would overlap significantly, she wondered if the session of the Commission on the Human Rights could be postponed in order to facilitate the task of delegations participating in both bodies.

Mr. FALL (Assistant Secretary-General for Human Rights) stressed the significance of the question raised by the representative of Côte d'Ivoire concerning the rationalization of the work of the Commission on the Human Rights. A number of measures had been taken to avoid duplication of efforts by the various special rapporteurs and representatives. Thematic reports were scheduled so as not to coincide with missions by country rapporteurs. Thematic and country special rapporteurs investigating the same country were requested to coordinate their substantive activities and to ensure that the information contained in their reports was complementary. An effort was being made to facilitate the flow of information in general between thematic and country rapporteurs. Thematic and country rapporteurs investigating the same country were also encouraged to conduct joint missions in order to maintain a focused United Nations presence in that country. In accordance with the Vienna Declaration and Programme of Action, the first meeting of all country and thematic rapporteurs had been held at the end of April in order to improve coordination of their activities. Such meetings would take place annually.

The sessions of the Commission on Human Rights and the Commission on the Status of Women would overlap by only one week. Perhaps issues relating to women could be considered by the Commission on Human Rights during the week

(Mr. Fall)

that did not coincide with the session of the Commission on the Status of Women.

Mrs. HORIUCHI (Japan) expressed satisfaction for the briefing session which the United Nations High Commissioner for Human Rights had held with all regional groups the week before and said she hoped that the High Commissioner would continue to conduct similar briefings for Member States from time to time. Her delegation welcomed the High Commissioner's efforts to improve coordination of United Nations system-wide activities in the field of human rights, particularly through the Administrative Committee on Coordination (ACC). The human rights protection mechanism of the United Nations Transitional Authority in Cambodia (UNTAC) and the Commission of Experts on the situation in Rwanda established by Security Council resolution 935 (1994) proved that such coordination was essential. Greater cooperation and coordination were still necessary, however, particularly between the Commission on Human Rights and the Security Council.

Her delegation welcomed the meeting of special rapporteurs, experts and chairpersons of working groups of the Commission on Human Rights convened by the High Commissioner and hoped that further efforts of that kind would be made. It also welcomed the dialogue the High Commissioner had initiated with Governments and the visits he had made to a number of countries in that connection. At the moment, the High Commissioner was in Japan, where he had met with a number of ministers and high-level government officials. Her delegation agreed that adequate funding and personnel must be provided to him urgently.

The appalling mass exodus from Rwanda to Zaire must be addressed by the international community without delay. Her delegation was encouraged that the Special Rapporteur for Rwanda had visited Rwanda recently and had submitted his report in a timely fashion. It was also pleased that, on the basis of that report, a field officer from the Centre for Human Rights had been dispatched to observe the human rights situation in Rwanda. Her delegation hoped that the recommendations contained in the Special Rapporteur's report would be given urgent attention by the parties to the conflict.

Mr. STREJCZEK (Poland) stressed the need to support new and existing mechanisms of the Commission on Human Rights, including the working groups on human rights defenders and the open-ended working group on the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman of Degrading Treatment or Punishment. The fiftieth session of the Commission had confirmed, once again, the vital role played by that body. Positive developments in certain countries must not obscure the tragedies taking place in others, particularly in Bosnia and Herzegovina and in Rwanda.

(Mr. Streiczek, Poland)

Poland had responded positively to the High Commissioner's appeal to convene a special session of the Commission on the situation in Rwanda. It endorsed the resolution adopted by the special session and welcomed the action taken by the High Commissioner in that context. The United Nations must reassess its response in such situations. His delegation supported the High Commissioner's view that preventive action, and, where necessary, determined efforts to restorate human rights, should continue to be a primary responsibility of the United Nations. That meant that all relevant activities of the Organization should include a human rights component.

The fiftieth session of the Commission and its report confirmed the widely recognized fact that reform of the Commission was vital. His delegation welcomed the efforts of the Chairman of the Commission to rationalize its work and the establishment of an open-ended working group to that end. It hoped that the working group would take a gradual approach to adapting the Commission's agenda and methods of work to current and future needs. The reclustering of agenda items during the fiftieth session of the Commission and improvements in its methods of work, as described by the Assistant Secretary-General for Human Rights, represented a first step in that direction.

Mr. SREENIVASAN (India) noted that, in accordance with General Assembly resolution 48/141, the High Commissioner for Human Rights was to report annually on his activities to the Commission on Human Rights and, through the Economic and Social Council, to the General Assembly. That reporting procedure had been very carefully negotiated in the open-ended working group of the third Committee and his delegation hoped that it would be followed as closely as possible. His delegation was pleased that the High Commissioner had begun to set policy directives for the Centre for Human Rights and that he was attempting to preserve the spirit of the Vienna Conference by taking a global approach which stressed cooperation and consensus. His initiative to coordinate the human rights activities of the United Nations system and to bring together the special rapporteurs, experts and chairpersons of working groups of the Commission deserved support.

His delegation welcomed, in particular, the fact that the High Commissioner attached great importance to the promotion and protection of the right to development and to enhancing the work of the relevant bodies of the United Nations system in support of that right. In that connection, more effective ways of protecting economic, social and cultural rights must be found. His delegation hoped that the High Commissioner, together with the specialized agencies and international development and financial institutions,

(Mr. Sreenivasan, India)

would consider practical projects for the implementation of the right to development in all its aspects.

The action taken by the High Commissioner had helped to focus world attention on the situations in Burundi and Rwanda. In that connection, his delegation, too, wished to reaffirm that the restoration of peace and security fell within the competence of the Security Council.

Referring to paragraph 3 (a) of General Assembly resolution 48/141, he stressed that the High Commissioner was required to respect the sovereignty, territorial integrity and domestic jurisdiction of States and, thus, to engage in activities only at the request or with the consent of the country concerned. He noted that the Vienna Declaration described terrorism as an activity aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments and that it urged the international community to take the necessary steps to enhance cooperation to prevent and combat terrorism (A/CONF.157/24 (Part I), para. 17). The post of High Commissioner had been established by the forty-eighth session of the General Assembly on the express understanding that it would not become politicized, as had long been feared. In particular, resolution 48/141 indicated that the High Commissioner would perform his duties in an impartial, objective, non-selective and effective manner [para. 2 (a)]. Certain Member States seemed tempted to destroy the spirit of the Vienna Conference by seeking to involve the High Commissioner in political issues. His delegation commended the High Commissioner for resisting such efforts.

Mr. KUEHL (United States of America) said that 20 July had marked the fifth anniversary of the house arrest of Nobel Peace Prize laureate Daw Aung San Suu Kyi of Myanmar, to whom he wished to pay tribute. His delegation urged all Member States to work for her release and for the establishment of democratic institutions in her country.

The presentation by the Assistant Secretary-General for Human Rights and the report on the special session on Rwanda once again underscored the Commission's growing and complex mandate. Its vital mechanisms must be strengthened by giving its rapporteurs and working groups adequate resources to carry out their tasks. His delegation urged country and thematic special rapporteurs to coordinate their activities. For example, where appropriate, thematic special rapporteurs might accompany country rapporteurs on their visits.

His delegation strongly supported the appeal contained in the Vienna Declaration and Programme of Action to increase the resources available to the United Nations Centre for Human Rights. Both the Centre and the newly

(Mr. Kuehl, United States)

established Office of the High Commissioner were facing serious budgetary problems. The High Commissioner, who had made an impressive start, must have sufficient resources to travel, including in response to emergency situations such as the situation in Rwanda. His delegation therefore fully supported the High Commissioner's request for additional funding and personnel. A concerted effort must be made to increase the resources allocated to both the Centre and the High Commissioner within the context of zero real growth of the budget. In any case, priority must be accorded to human rights.

Those who had committed genocide and other atrocities in Rwanda must be held accountable. Implementation of human rights standards must be an integral part of every United Nations action taken with respect to Rwanda. His Government accorded the highest priority to responding quickly and comprehensively to the Secretary-General's consolidated appeal for humanitarian assistance for Rwanda. The United States was sharply increasing its assistance, both through funding and through the provision of both equipment and personnel. Since April 1994, it had contributed over $120 million to the Rwandan relief effort.

Mrs. ARIAS (Colombia) said that her delegation welcomed the coordination between the activities of the Centre for Human Rights and the Office of the High Commissioner for Human Rights in the spirit of General Assembly 48/141. It hoped that the Office of the High Commissioner would be strengthened during the forty-ninth session so that it would be able to carry out its work without problems or financial constraints. Referring to the presentation by the Assistant Secretary-General for Human Rights, she said that the Commission's efficiency and effectiveness should not be judged by the number of resolutions and decisions it adopted. On the contrary, it should attempt to limit that number. Her delegation therefore viewed with great interest the establishment of and open-ended working group on the rationalization of the work of the Commission. It also looked forward to the meetings of the open-ended working group of the third Committee, as there was a need to rationalize not only the work of the Commission on Human Rights but also the human rights activities of the United Nations system as a whole.

Her delegation welcomed the establishment by the Commission of an open-ended inter-sessional working group responsible for elaborating guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The activities carried out by the Commission in order to ensure the realization of the right to development and of economic, social and cultural rights were to be commended. Her delegation hoped that those

(Mrs. Arias, Colombia)

activities would continue and that they would be supported by the Centre for Human Rights. It agreed with the Assistant Secretary-General's remarks concerning universal ratification of the Convention on the Rights of the Child, which should complement the activities of the Centre for Human Rights in that area. Her delegation urged all States which had not yet done so to ratify the Convention.

With regard to the Third Decade to Combat Racism and Racial Discrimination, her delegation took note of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia. Referring to the very clear mandate set forth in resolution 1993/20 of the Commission on Human Rights, she expressed concern that the work of the Special Rapporteur might lose its focus if he tried to cover too much ground. Deeply concerned about the incidents of racism, xenophobia and racial discrimination in a number of Western European countries, her delegation would continue to participate in all activities aimed at eliminating them.

Lastly, referring to resolution 1994/56 on the composition of the staff of the Centre for Human Rights, she inquired about the report on the current geographical distribution of posts in the Centre, which the Secretary-General had been requested to present to the Fifth Committee of the General Assembly through the Economic and Social Council.

Mr. FALL (Assistant Secretary-General for Human Rights) said that that report in question would be available in one week.

Mr. FERNANDEZ PALACIOS (Cuba) said that his delegation wished to highlight several points contained in the report of the Commission on Human Rights on its fiftieth session. Cuba welcomed the adoption of resolution 1994/64 concerning measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, but was dismayed that, as mentioned in paragraph 10, the Special Rapporteur was still encountering difficulties owing to insufficient resources and the failure of Governments to cooperate with him. Cuba was particularly concerned by recent instances of xenophobic violence in certain countries of the European Union and encouraged the Commission to take definite action to combat that problem.

Unfortunately, despite the consensus achieved at the Vienna Conference, the fiftieth session of the Commission had witnessed the reopening of debates on a number of topics. Many resolutions had been put to a vote despite the fact that they embodied the concerns of an immense majority of Commission members, example, resolution 1994/47 condemning the United States embargo against Cuba, which represented a systematic violation of the human rights of millions.

(Mr. Fernandez Palacios, Cuba)

Cuba endorsed resolutions 1994/90 and 1994/92 concerning the rights of the child. The increase in the sale of children, child prostitution and pornography in some countries was unacceptable, and the Special Rapporteur should be given more resources and support from Governments. It supported the recommendation to adopt the draft decision authorizing the establishment of a working group to elaborate guidelines for a draft optional protocol to the Convention on the Rights of the Child.

With regard to the question of racism and xenophobia, Cuba regretted that the Commission had found it necessary to put to a vote the resolution on the rights of migrant workers. That represented a step backward at a time when the international community was working towards the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Cuba reaffirmed its commitment to the right to development, as expressed in resolution 1994/21, which again, despite the consensus achieved in Vienna, had been put to a vote.

The High Commissioner for Human Rights should be congratulated for the auspicious start he had made in the performance of his mandate. Cuba supported his steps to consolidate the Centre for Human Rights. Among his priority tasks would be the rationalization of the work of the United Nations in the field of human rights, to avoid duplication of effort and make the fullest use of available resources.

Mr. AKRAM (Pakistan) drew attention to the serious violations of human rights being committed by India against the population in Jammu and Kashmir, which had taken a very heavy toll in human lives and suffering. At the fiftieth session of the Commission on Human Rights, Pakistan had submitted a draft resolution expressing concern about the human rights situation in Jammu and Kashmir and proposing an impartial investigation by a United Nations fact-finding mission. In an attempt to prevent adoption of the draft resolution, India had offered several assurances to the Commission, promising greater transparency and inviting Amnesty International and other human rights organizations to visit the area in the near future. India had also indicated to the Iranian Government that it was willing to allow a group of ambassadors from Islamic countries full access to Indian-held Kashmir if Pakistan did not press its resolution to a vote.

Although the Pakistani delegation had agreed to defer a vote on the draft resolution, Indian officials had then disclaimed their acceptance of a visit from the Organization of the Islamic Conference. Subsequently, a short visit for a mixed group of ambassadors to selected locations had been arranged, but the ambassadors had not been allowed to move freely, nor had they been able to meet with local leaders or visit the sites of recent massacres. Furthermore,

(Mr. Akram, Pakistan)

despite earlier assurances, Amnesty International had not been given permission to visit Indian-held Kashmir. During the single visit of a delegation from the International Committee of the Red Cross (ICRC), its members were given over 5,000 petitions seeking redress for various human rights violations. Furthermore, none of the thematic rapporteurs of the Commission on Human Rights had yet visited Indian-held Kashmir. According to recent reports, abuses by the Indian army against the people of the area were continuing with impunity.

India had deployed 600,000 troops in Kashmir, the heaviest concentration of troops in the history of colonial occupation. The level of violence was thus likely to escalate. The world community could no longer remain silent in the face of the grave human rights crisis in Kashmir. An escalation of the conflict could also pose a serious threat to international peace and security. Ending the repression would serve the interests not only of the Kashmiri people but also of Pakistan, India and the world community. It was Pakistan's hope that progress would open the way for a meaningful dialogue between Pakistan and India to promote a just settlement of the Kashmir dispute on the basis of United Nations resolutions and to build a climate of peace and security in South Asia.

Mr. SIDDIG (Observer for the Sudan), referring to the statement made by the representative of Germany on behalf of the European Union, said that the Government of the Sudan had indicated its readiness to receive the Special Rapporteur and had extended its full cooperation, as the Special Rapporteur himself had stated in his report. Unfortunately, however, the Special Rapporteur had exceeded his mandate, which did not give him the right to criticize Islam or to become involved in several forums sponsored by the political opposition. Such actions negated his neutrality.

Most of the allegations of human rights abuses were connected with the armed conflict in southern Sudan. He informed the Council that a cease-fire would begin at that night at midnight to help ensure the success of the Nairobi peace talks. His delegation appealed for a clear definition of the mandate of special rapporteurs and representatives and a specific description of their responsibilities and powers.

Mr. ALI (Observer for Iraq) said that the statement made by the representative of Germany on behalf of the European Union had reflected a double standard and a selective approach. The statement had contained no mention of the human rights violations taking place in countries of the European Union.

As for the situation of human rights in Iraq, the representative of Germany should have raised the issue of the violation by some countries of the

(Mr. Ali)

human rights of Iraqi citizens through the embargo, which deprived them of the right to food and medicine. Over 200,000 Iraqi children had died since the siege began.

Mr. GULEV (Ukraine) said that the condemnation of ethnic cleansing as practised in the territory of the former Yugoslavia should also apply to all manifestations of racism and racial discrimination, wherever they took place. His delegation therefore welcomed the establishment of a tribunal to prosecute violations of humanitarian law taking place in the former Yugoslavia.

His delegation supported the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. It was interesting to note that resolution 1994/64 of the Commission on Human Rights was the first resolution which officially condemned anti-Semitism. Ukraine joined in the call for universal accession to the International Convention on the Elimination of All Forms of Racism and Racial Discrimination.

His delegation commended efforts to rationalize the work of the Commission on Human Rights. The Subcommission on Prevention of Discrimination and Protection of Minorities, a unique expert body, required major changes in its procedures, however, because its activities overlapped with those of the Commission itself and it had a tendency to politicize issues. The international legal instruments for the protection of minorities must be enhanced. Ukraine fully supported the establishment of the inter-sessional working groups on new human rights instruments and on the optional protocols to the Convention on the Rights of the Child. Ukraine hoped that, in future, the Commission would take steps to strengthen the internal stability of newly independent States that were in transition to democracy and a market economy.

Mr. LUEDIG (Observer for Estonia) said that his delegation hoped that the information which the High Commissioner for Human Rights would gather on his forthcoming visit to Estonia and the Baltic States would be useful. The accusations made by the Russian Federation regarding the situation of human rights in Estonia were unfounded. The facts did not support the allegation that attempts were being made to create a mono-ethnic state. No expulsions of Russian-speaking people were taking place. On the contrary, the Estonian Government was taking legal and practical steps to create a climate of inclusiveness in Estonia.

His delegation agreed that the policies and actions of Governments should be judged in the light of accepted human rights principles and standards in order to determine whether abuses were taking place. It did not support

(Mr. Luedig)

politically-founded, situational and deconstructivist standards of what constituted human rights and their abuse.

His delegation welcomed the emphasis placed on human rights education and looked forward to the development of a plan for a United Nations decade for human rights education. Individuals as well as communities must become better informed about the subject, and the High Commissioner should present his findings to the various communities involved with specific questions of human rights, in order to educate them. A clear explanation of the rights and obligations of all parties to a dispute over human rights abuse would encourage constructive dialogue.

The meeting rose at 1.05 p.m.